



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590**

**VIA ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

Todd Smedshammer, Plant Manager  
Bituminous Roadways  
2828 Longfellow Avenue  
Minneapolis, MN 55407

Re: Information Request under Section 114 of the Clean Air Act  
Bituminous Roadways  
Minneapolis, Minnesota

Dear Todd Smedshammer:

Pursuant to Section 114(a) of the Clean Air Act (“CAA”), 42 U.S.C. § 7414(a), the U.S. Environmental Protection Agency is requiring Bituminous Roadways (Bituminous Roadways or you) to submit certain information about the facility at 2828 Longfellow Avenue, Minneapolis, Minnesota (the Facility). Bituminous Roadways owns and operates an emission source at the Minneapolis, Minnesota Facility.

This information is needed to determine whether the Bituminous Roadways Facility is in compliance with the requirements of the CAA and its implementing regulations. Section 114(a) authorizes the Administrator of EPA to require any person who owns and operates an emission source, whom the Administrator believes may have information necessary for the purposes set forth in Section 114(a), or who is subject to any requirement of the CAA, to provide such information as the Administrator may reasonably require for the purpose of carrying out any provision of the CAA. This authority has been duly delegated to the Director of the Enforcement and Compliance Assurance Division, Region 5.

Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule in Appendix B.

If possible, we ask Bituminous Roadways to upload all required information to the secured web-link shared with you at the time you received this request. If you did not receive a web-link, or if you are having technical difficulties, you must contact Jacob Herbers at Herbers.Jacob@epa.gov or 312-886-0405 to make arrangements to submit your response.

Bituminous Roadways must submit all required information accompanied by the following certification, signed and dated by a responsible official of Bituminous Roadways:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1519.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice.

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil, or criminal action.

Failure to comply fully with this information request may subject Bituminous Roadways to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Jacob Herbers at (312) 886-0405 and [Herbers.Jacob@epa.gov](mailto:Herbers.Jacob@epa.gov).

Sincerely,

Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division

Enclosure

cc: Rachel Studanski, Manager  
Land and Air Compliance Section, Industrial Division  
Minnesota Pollution Control Agency

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image format. If Excel format is not available, then the format should allow for data to be used in calculations by a standard spreadsheet program.

3. Provide submission to the secure web-link provided by EPA.
4. Provide a table of contents of all electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number.
5. Please submit documents claimed as confidential business information (CBI) in separate file folders apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, or the Minnesota SIP.

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in electronic format or a storage device, or in hardcopy, including any form or format of these. If in electronic format, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating, or relevant to.

## Appendix B

### Information You Are Required to Submit to EPA

Bituminous Roadways must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), in accordance with the following schedule:

- Part I:** -Within *21 calendar days* of receipt of this request, Bituminous Roadways must respond to the questions in Part I.
- Part II:** -Within *30 calendar days* of receipt of this request, Bituminous Roadways must submit to EPA the proposed testing protocol(s), for EPA review and approval.  
-At least *21 calendar days* before testing is to occur, Bituminous Roadways must submit to EPA a notification of the intent to test.  
-Within *60 calendar days* of receipt of this request, Bituminous Roadways must perform the emissions testing specified in Part II.  
-Within *30 calendar days* after completion of the emissions tests, Bituminous Roadways must submit the complete results to EPA.

#### Part I

1. Provide all dates (or date ranges) when the Facility was not operating between January 1, 2019, and the present.
2. The "[BR\\_Timeline\\_web](#)" document on your website states that in 1973, "BR replace[d] the Minneapolis plant." Provide contemporaneous documentation of that plant replacement, including the specific dates when the replacement process was started and finished, and other significant milestones.
3. Provide all documentation of training provided pursuant to part 5.5 of the Facility's Operation and Maintenance Plan, as required by Minn. R. [7011.0075](#).
4. Provide a narrative describing the method used for the annual air emissions inventory report calculations for each pollutant emitted by the Facility, including the basis of any emissions factors used.
5. Identify and describe the assumed and/or estimated capture efficiencies for each capture device and control device at the Facility and their associated emission unit(s), and provide all documents and evidence you used or relied on to develop the assumed/estimated capture efficiencies. If applicable, also provide a description of any changes to the capture efficiency of each capture device and control device and its associated emission unit since January 1, 2019, and any associated documentation.
6. Provide all specifications, dimensions, and manufacturer manuals for each hood or other capture device on all emission units at the Facility.

7. Provide the following information on the particulate matter (PM) generated by each emission unit at the Facility:
  - a. Size distribution;
  - b. Weight distribution;
  - c. Density; and
  - d. Baghouse dust analysis.
8. Provide all fuel records and modeling as required by Minn. R. [7011.0903](#).
9. Provide all records kept on the Facility's dryer burner, as required by Minn. R. [7011.0911](#).
10. Provide all records of the materials, fuels, and additives used at the Facility, including the amount used, as required by Minn. R. [7011.0913](#).
11. Provide all production records as required by Minn. R. [7011.0922](#).

## **Part II**

12. Within 60 days of receipt of this request, Bituminous Roadways must perform the following emissions testing at each hood and baghouse at the facility to quantify:
  - a. The mass emission rate of PM (lb/hr and lb/ton), which shall be determined by performing testing using EPA Reference Methods 1, 2, 3, 4, and 201A;
  - b. The PM control efficiency of the baghouse, which will require additional sampling site(s) at the inlet of each hood or other capture device connected to each baghouse;
  - c. The airflow rate (ACFM) through each hood or other capture device, and corresponding duct velocity (fpm);
  - d. The concentration of filterable PM (GR/DSCF) and associated moisture content, which shall be determined by performing testing using EPA Reference Method 5;
  - e. The concentration of organic condensables, which shall be determined by performing testing using EPA Reference Method 202; and
  - f. The opacity of emissions from the baghouse, which shall be determined by performing testing using EPA Reference Method 9.
13. Bituminous Roadways shall not conduct any irregular or nonroutine maintenance on emission units or control devices before conducting the above emissions tests, unless such maintenance is necessary to address an imminent safety issue. If Bituminous Roadways identifies a safety issue prior to conducting the performance tests, which requires nonroutine maintenance, it must immediately notify EPA of the safety issue and the maintenance activities that will be performed to address the safety issue. Provide a list of all repairs, improvements, and maintenance performed at the Facility between May 26, 2023 and the date of the emissions testing.
14. During the emissions testing conducted pursuant to this request, Bituminous Roadways must operate the emission units and control devices at the Facility in accordance with

representative performance/normal operating conditions, per 40 C.F.R. § 63.7(e), and representative (normal) conditions producing the highest emissions, per the Clean Air Act National Stack Testing Guidance dated April 27, 2009.

15. During the emissions testing conducted pursuant to this request, Bituminous Roadways must conduct a minimum of three runs, with a minimum run duration of one hour.
16. Bituminous Roadways must conduct the emission testing conducted pursuant to this request under a protocol approved in advance by EPA.
17. Within 30 days after receipt of this request, Bituminous Roadways must submit the proposed testing protocol(s) via e-mail to Jacob Herbers at Herbers.Jacob@epa.gov. The proposed protocol(s) must completely describe the methods and procedures for testing at each emission unit, including all relevant operating parameters and set points. The protocol must address the requirements of Request 12 of this information request. Specifically, the protocol must include the following:
  - a. Material throughput rate (tons/hour);
  - b. Pressure drop across the baghouse; and
  - c. Other parameters that could impact emission rates.EPA will email Bituminous Roadways stating whether EPA approves the proposed protocol(s) or providing comments that must be addressed before EPA approves the protocol(s).
18. For all operating parameters and set points in Request 17.a.-c. above, describe how these operating parameters and set points meet the definition of representative (normal) conditions.
19. During the testing conducted pursuant to this request, monitor, and record the parameters in Request 17.a.-c. above.
20. At least 21 days prior to the planned test date(s), Bituminous Roadways shall submit notification to EPA of its intent to perform emission testing on the specific date.
21. Within 30 days after completion of the tests required by this information request, Bituminous Roadways shall submit a complete report of the emissions testing on the Facility, including, at a minimum, the following:
  - a. Summary of Results
    - i. Results of the above specified emission tests;
    - ii. Process and control equipment parameters that affect emissions to the environment;
    - iii. Discussion of test errors; and
    - iv. Discussion of any deviations from the reference test methods. Any planned deviations must be included in the protocol and approved by EPA prior to the testing.

- b. Facility Operations
  - i. Description of the process and control equipment in operation during the test;
  - ii. Operating parameters of the process units and related equipment at the time of the test; and
  - iii. Facility operating parameters, including process weight rates of all material throughputs, that demonstrate that the process units were operated at maximum production rates at the time of the test.
  
- c. Sampling and Analytical Procedures
  - i. Sampling port locations and dimensions of cross-section;
  - ii. Sampling point description, including labeling system;
  - iii. Brief description of sampling procedures, including equipment and diagram;
  - iv. Description of sampling procedures (planned and accidental) that deviated from any standard method;
  - v. Brief description of analytical procedures, including calibration;
  - vi. Description of analytical procedures (planned and accidental) that deviated from any standard method; and
  - vii. Quality control / quality assurance procedures, tests, and results.
  
- d. Appendix
  - i. Complete results with example calculations;
  - ii. Raw field data (original, not computer printouts);
  - iii. Laboratory report, with signed chain-of-custody forms;
  - iv. Calibration procedures and results;
  - v. Raw process and control equipment data, signed by a Facility representative;
  - vi. Test log;
  - vii. Test participants, titles, and certifications; and
  - viii. Related correspondence.